

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND M. MARTIN,

Defendant.

Case No. 09-cr-40037-JPG

ORDER

This matter comes before the Court on defendant Raymond Martin's motion for counsel (Doc. 242) in which he requests this Court appoint counsel so he may seek review of the Seventh Circuit Court of Appeals' decision in the Supreme Court of the United States.

Only the Court of Appeals may allow defense counsel to withdraw after judgment is entered or appoint new counsel for purposes of an appeal. *United States v. Flowers*, 789 F.2d 569, 570 (7th Cir. 1986) (*per curiam*); *accord Corral v. United States*, 498 F.3d 470, 474 (7th Cir. 2007); *see* Circuit Rule 51 ("Trial counsel in a criminal case, whether retained or appointed by the district court, is responsible for the continued representation of the client desiring to appeal unless specifically relieved by the court of appeals upon a motion to withdraw.") Similarly, pursuant to Circuit Rule 51(c), only the Court of Appeals can appoint new counsel once a notice of appeal has been filed. Accordingly, the Court hereby **DIRECTS** the Clerk of Court to **TRANSFER** the pending motion (Doc. 242) to the Court of Appeals for the Seventh Circuit and terminate the motion before this Court.

IT IS SO ORDERED.

DATED: September 28, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE